

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

SAFA ALIDOUST

PLAINTIFF

v.

CIVIL NO. 1:17CV35-LG-RHW

HANCOCK COUNTY, MISSISSIPPI, et al.

DEFENDANTS

ORDER DISMISSING CERTAIN CLAIMS AND DEFENDANTS

This matter is before the Court *sua sponte* based on Plaintiff Safa Alidoust's failure to comply with the Court's Show Cause Order entered in this action on August 2, 2017. (See Order, ECF No. 31). The facts underlying this action are set out in the [31] Order and are incorporated by reference herein. In that Order, the Court ordered Alidoust to file an Amended Complaint and/or show cause response by August 23, 2017 to address pleading and legal deficiencies with respect to several of his claims. He has done neither. Accordingly, the Court finds that the following claims and defendants should be dismissed with prejudice:¹

All State Law Claims

For the reasons discussed at pages 5-7 of the Court's [31] Order, all of Alidoust's state law claims are barred by the Mississippi Tort Claims Act (MTCA) and/or by the applicable statute(s) of limitations. The Court will dismiss all state law claims from this action.

¹ The Court will not dismiss the claims against Defendant Health Assurance, LLC, at this time, as the docket now reflects that Health Assurance was served in April 2017.

Federal Law Claims Under Sections 1983 and 1985 Against Certain Defendants In Their Individual Capacities

With few exceptions, Alidoust's Complaint does not include facts from which the Court could conclude that Defendants Sheriff Ricky Adam, Deputy Carl Contranchis, Deputy John Compton, Investigator Steve Saucier, Chief Deputy Don Bass, Jailer Ronald Thompson, and/or Warden Brandon Zeringue individually violated the Constitution, and the Complaint does not otherwise satisfy the pleading requirements of *Twombly/Iqbal*. (See Order 8-9, ECF No. 31); *Copeland v. Axiom Mortgage Grp. LLC*, No. 1:16cv159-HSO-JCG, 2016 WL 4250431, at *4-5 (S.D. Miss. Aug. 11, 2016) (citation omitted). As discussed above, the Court gave Alidoust the opportunity to file an Amended Complaint to cure these and other deficiencies, but he chose not to do so. Therefore, the Court dismisses all individual capacity claims against Defendants Adam, Contranchis, Compton, Saucier, Bass, Thompson, and Zeringue.

Official Capacity Claims Against Certain Defendants

Any official capacity claim against Defendants Adam, Contranchis, Compton, Saucier, Bass, Thompson, and Zeringue is dismissed as redundant of the claims against Defendant Hancock County. (See Order 9-10, ECF No. 31); *Kentucky v. Graham*, 473 U.S. 159, 166 (1985). These Defendants will be terminated as defendants, as there are no remaining claims against them. Any official capacity claim against Defendant Brad Epperson is dismissed for the same reason. (See Order 10, ECF No. 31).

Defendant Bay St. Louis Police Department

The Bay St. Louis Police Department is not subject to suit, and will be terminated as a defendant for that reason. (See Order 10, ECF No. 31); Fed. R. Civ. P. 17(b); *Upchurch v. City of Moss Point*, No. 1:10CV228-LG-RHW, 2011 WL 5082224, at *3 (S.D. Miss. Oct. 26, 2011).

IT IS THEREFORE ORDERED AND ADJUDGED that all state law claims against any Defendant and all official capacity claims against Defendant Brad Epperson are **DISMISSED WITH PREJUDICE**.²

IT IS FURTHER ORDERED AND ADJUDGED that all claims against Defendants Sheriff Ricky Adam, Deputy Carl Contranchis, Deputy John Compton, Investigator Steve Saucier, Chief Deputy Don Bass, Jailer Ronald Thompson, Warden Brandon Zeringue, and Bay St. Louis Police Department are **DISMISSED WITH PREJUDICE**. The Clerk is ordered to **TERMINATE** these Defendants on the docket.

SO ORDERED AND ADJUDGED this the 24th day of August, 2017.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE

² The Court will enter a separate Order with respect to the Motion to Dismiss filed by Defendants City of Bay St. Louis and Brad Epperson, which Motion addresses the individual capacity claims against Epperson.